

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DARLINGTON AMADASU,	:	Case No. C-1-01-210
	:	
Plaintiff,	:	Judge Dlott
	:	
v.	:	Magistrate Judge Black
	:	
JAMES R. DONOVAN, M.D., <u>et al.</u>	:	MEMORANDUM OF THE OHIO
	:	DEFENDANTS IN OPPOSITION TO
Defendants.	:	PLAINTIFF'S UNTIMELY CROSS
	:	MOTION FOR SUMMARY
	:	<u>JUDGMENT</u>

The Ohio Defendants hereby oppose Plaintiff Darlington Amadasu's ("Amadasu") untimely cross-motion for summary judgment. First of all, Amadasu did not file his cross-motion until June 1, 2005 -- two full months after the March 31, 2005 dispositive motion deadline set by the Court almost one year ago. (Doc. 61) Although Amadasu moved for additional time to oppose the summary judgment motions filed by defendants in this action, he neither sought nor obtained an extension of the dispositive motion deadline. Amadasu is out of time and his cross-motion for summary judgment should be denied on this basis alone.

Furthermore, Amadasu's cross-motion is without merit for the same reasons set forth by the Ohio Defendants in their memorandum supporting their own motion for summary judgment and also in the contemporaneously filed reply memorandum in support of their summary judgment motion. As set forth in that reply brief, there are no genuine issues of material fact regarding

Amadasu's claims against the Ohio Defendants, and judgment in favor of all the Ohio Defendants is appropriate on all of Amadasu's claims against them.

Respectfully submitted,

By: /s/ Justin D. Flamm

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and served copies of the foregoing upon Darlington Amadasu, Plaintiff Pro Se, at P.O. Box 6263, Cincinnati, Ohio 45206, and upon John Grey, counsel for Claudia Miller, John Grey and the University of Texas Health Science Center at San Antonio, at Assistant Attorney General for the State of Texas, General Litigation Division, P.O. Box 12548, Capitol Station, Austin, Texas 78711-2548, via regular United States mail, postage prepaid, this 13th day of June, 2005.

By: /s/ Justin D. Flamm

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